

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MOSES CHILDS, JR.,

Defendant.

4:16-CR-3102

ORDER

The defendant has filed a motion for compassionate release pursuant to [18 U.S.C. § 3582\(c\)\(1\)\(A\)](#), seeking reduction of his federal sentence imposed upon revocation of his supervised release. Filing 67. He is currently serving a state term of incarceration, and asks the Court to waive the administrative exhaustion requirement because he's not in federal custody yet.

The Court cannot do that: The administrative exhaustion requirement of § 3582(c)(1)(A) is a mandatory claim-processing rule. *United States v. Houck*, [2 F.4th 1082, 1084 \(8th Cir. 2021\)](#). But even on the merits, the Court would not grant the motion. The defendant is due to be released from state custody no sooner than December 2027, and it's too premature to assess, at this point, whether any reduction of his federal sentence will be warranted. Accordingly,

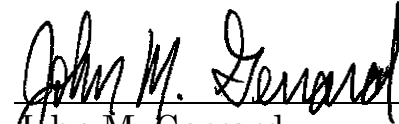
IT IS ORDERED:

1. The defendant's motion for compassionate release (filing 67) is denied without prejudice.
2. The defendant's motion to appoint counsel (filing 68) is denied.

3. The defendant's motion for status (filing 69) is denied as moot.

Dated this 10th day of April, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "John M. Gerrard", is written over a horizontal line.

John M. Gerrard  
Senior United States District Judge